

DALE FARM HOUSING ASSOCIATION

Secretary
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Bala Mahendran
Chief Executive
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2011

5 November 2011

COUNCIL UNDERTAKINGS RE DALE FARM

Dear Mr Mahendran,

We again write to remind you of the undertakings given by Basildon Borough Council on 13 October this year to the High Court in respect of the Dale Farm estate, at Crays Hill.

Your attention is drawn in particular to the Council's undertaking that its servants or agents shall not use its powers pursuant of section 178 of the Town and Country Planning Act 1990 to secure compliance to the Enforcement Notices relating to the site in the following respects:

- b) the stationing of caravans and the residential use of them on plots 45, 50 and 51
- c) the brick built building on plot 33 and its residential use
- e) the disconnection of utility services including electricity, water, gas and drainage provided to plots 28, 45, 50 and 51 and the brick building on plot 33 save insofar as it is necessary to enable it to carry out compliance works on other plots and in such circumstances the Defendant undertakes that it will ensure that suitable alternative provision of utilities services is made while such works are undertaken and that any utilities that are disconnected will be expeditiously reconnected once the works have been completed.

Your attention is drawn to information given to us concerning the schedule of work for Saturday 6 November, which appears to include removing road surfaces at both Beauty Drive (aka Oak Lane) and Camilla Drive. The apparent intention to reduce access to a footpath only where residential use is legal would be contrary to the undertakings on 13 October last.

Be aware that one or more caravans, temporarily absent for purposes of funereal rites, will be returning to legal plots shortly. Their right of access should not be interfered with under any circumstances.

Note that by legal definition **residential** means "providing accommodation in addition to other services". An essential service to a residence, in order to comply with housing regulations, must include satisfactory right of way and access arrangements.

In order to fulfil the undertaking not to interfere with **residential** use of the caravans and in the case of plot 33 the brick building, the council is therefore required not to interfere with the utility services which render the caravans and brick building residential or to reinstate such after lawful work is completed.

Sincerely

Grattan Puxon

cc Keith Lomax, solicitor